

REF ID: A23

FEB 1952 51-44A

## CENTRAL INTELLIGENCE AGENCY

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SECURITY INFORMATION

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## INFORMATION REPORT REPORT

CD NO.

COUNTRY

Rumania

DATE DISTR. 28 January 1953

SUBJECT

Status of Attorneys and other Legal  
Information

NO. OF PAGES 3

DATE OF  
INFO.NO. OF ENCLS.  
(LISTED BELOW)PLACE  
ACQUIREDSUPPLEMENT TO 50X1-HUM  
REPORT NO.

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1. From 1940 to 1948 there was no change in the status of Rumanian attorneys as defined in the Marinescu statute of 1940, which set up District Bar Associations (Baroul Avocatilor) and a National Bar Association (Uniunea Avocatilor) under the Ministry of Justice.
2. In 1945 the members of governing bodies of these institutions were changed, and many adherents of the former regime were removed.
3. In 1948 a new law was enacted on the status of attorneys, the aim of which was to reduce their number as far as possible. The Ministry of Justice is now authorized to fix, at its discretion, the number of attorneys to practice in each locality. In Bucharest 2,700 of approximately 5,000 were removed, mostly for political reasons.
4. The new law creates three types of attorneys: Those entitled to plead in court (Fledanti), legal advisers to institutions and enterprises, and pupils. The designation Baroul Avocatilor has been changed to Colegiul Avocatilor.
5. The status of attorneys was changed fundamentally in November 1951 by the introduction of attorneys' collectives (Birouri Colective De Avocati). Of the 800 pleading members left in Bucharest on the register of the Bar Association after the changes wrought by the 1948 law, only 350 were accepted into the seven collective law offices; 450 were either removed or permitted to remain as members of the Bar Association without being entitled to exercise their profession.
6. Legal advisers to institutions are also affected. The 1,100 advisers left in Bucharest after the 1948 law were required to prove their continued professional employment. Only about 600 were in a position to do so since the others had lost their jobs through the merger of their enterprises after nationalization.

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7. Where collective law offices are set up, only the manager is entitled to negotiate with a client. He decides the number of cases to be handled by each member and the fee, according to a tariff fixed by the Ministry of Justice. The attorney receives 40 percent of the fee paid, ten percent goes to the collective, and 50 percent is paid in tax.
8. The Bar Association controls the collective law offices. Its governing body, made up solely of Party members, is entitled to add new members to existing law offices and to set up new ones. It also keeps close contact with the collectives' managers, who must be Party members.
9. There are prosecuting authorities (Parchete) in each district court, where criminal cases only are dealt with. The number of prosecutors depends upon the number of sections. Magistrate's Courts have no prosecutor even for criminal cases. The prosecutor's task is similar to that of the attorney general in the USSR, whose business is to protect the interests of the state, even where these conflict with the existing laws.
10. The prosecutor is nominally independent. In practice he receives instructions from the Ministry of the Interior, and, in particular, from the Security Services which control both the prosecuting authorities and the work of individual prosecutors.
11. Military courts deal with criminal offenses against the Military Code, but they also have jurisdiction in all cases concerning the security of the state, in which cases a special body of law applies. During the past few years many offenses, normally dealt with under the civilian criminal code, have been transferred to the jurisdiction of the military courts, particularly offenses against public order and security.
12. Up to 1949 there was a special court at the Inspectorate General of Police in Bucharest (Prefectura) for urgent cases, including traffic offenses. The functions of this court have been transferred to Bucharest City Court No. 1 (Judecatoria Urbana No. 1). There are no special courts for cases connected with marine transport.
13. About 90 percent of the professional judges are now members of the Communist Party, and the Party has great influence on their activities. According to the law a judge is independent, but in every doubtful case the Party's opinion prevails.
14. The following courts now function in Bucharest:
  - a. A District Court at Strada Splaiul Independentei with four criminal and two civil section.
  - b. A Court of Appeal in the same building.
  - c. A High Court, also in the same building.
  - d. A Military Court at 3 Strada Negru Voda.
  - e. Eight Magistrates' Courts.

All but the Magistrates' Courts have prosecuting authorities which are under the supervision of the Attorney General.

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15. The following personalities are known:

- a. General Constantin Petrescu is the President of Bucharest Military Court.
- b. Constantin Stere, President of the Supreme Court, is a former President of Kisinev Court. He is one of the five Rumanian regents.
- c. Alexandru Voitinovici is the Attorney General of Rumania.

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